

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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U.S. UNDERWRITERS INSURANCE COMPANY,

Plaintiff,

-against-

MILLENNIUM CARE, INC., DENISE PERRY
WILLIAM H. PERRY, TERRENCE COUSINS,
By his grandmother and legal guardian
LA VAIDA THOMAS, LA VIDA THOMAS
Individually, and THE CITY OF NEW YORK,
Defendants.

ANSWER
08-CV-0985

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Defendants, Millennium Care, Inc., Denise Perry and William Perry, by their attorney, Nnenna Onua, Esq., answers the complaint of the Plaintiff U.S. Underwriters Insurance Company as follows:

1. Defendants lack knowledge sufficient to form an opinion relating to the allegations in Paragraph 1.
2. Defendants lack knowledge sufficient to form an opinion relating to the allegations in Paragraph 2.
3. Defendants admit the allegations in Paragraph 3.
4. Defendants admit the allegation in Paragraph 4.
5. Defendants admit the allegation in Paragraph 5.
6. Defendants lack knowledge sufficient to form an opinion relating to the allegation in Paragraph 6.
7. Defendants lack knowledge sufficient to form an opinion relating to the allegation in Paragraph 7.
8. Defendants admit the allegation in Paragraph 8.

9. Defendants lack sufficient knowledge to form an opinion relating to the allegation in Paragraph 9.
10. Defendants lack knowledge sufficient to form an opinion relating to the allegations in Paragraph 10.
11. Defendants aver that Paragraph 11 states conclusions of law as to which no responsive pleading is required.
12. Defendant lack knowledge sufficient to form an opinion relating to the allegation in Paragraph 12.
13. Defendants lack knowledge sufficient to form an opinion relating to the allegations in Paragraph 13.
14. Defendants lack knowledge sufficient to form an opinion relating to the allegation in Paragraph 14.
15. Defendants lack knowledge sufficient to form an opinion relating to the allegations in Paragraph 15.
16. Defendants lack knowledge sufficient to form an opinion relating to the allegation in Paragraph 16.

FIRST CLAIM FOR RELIEF

17. Defendant incorporates and repeats its responses to the allegations in Paragraph 1 through 17.
18. Defendants lack knowledge sufficient to form an opinion relating to the allegation in Paragraph 18.
19. Defendants lack knowledge sufficient to form an opinion relating to the allegation in Paragraph 19.

20. Defendant denies the allegations in Paragraph 20.
21. Defendant denies the allegations in Paragraph 20.
22. Defendant denies the allegations in Paragraph 20.
23. Defendants lack knowledge sufficient to form an opinion relating to the allegation in Paragraph 23.
24. Defendants lack knowledge sufficient to form an opinion relating to the allegation in Paragraph 24.
25. Defendants lack knowledge sufficient to form an opinion relating to the allegation in Paragraph 25.
26. Defendants lack knowledge sufficient to form an opinion relating to the allegation in Paragraph 26.
27. Defendants lack knowledge sufficient to form an opinion relating to the allegation in Paragraph 27.
28. Defendants lack knowledge sufficient to form an opinion relating to the allegation in Paragraph 28.
29. Defendant denies the allegations in Paragraph 29.
30. Defendant denies the allegations in Paragraph 30.
31. Defendant denies the allegations in Paragraph 31.

SECOND CLAIM FOR RELIEF

32. Defendant incorporates and repeats its responses to the allegations in Paragraph 1 through 31.

33. Defendants lack knowledge sufficient to form an opinion relating to the allegation in Paragraph 33.

34. Defendants lack knowledge sufficient to form an opinion relating to the allegation in Paragraph 34.

35. Defendants lack knowledge sufficient to form an opinion relating to the allegation in Paragraph 35.

36. Defendants lack knowledge sufficient to form an opinion relating to the allegation in Paragraph 36.

37. Defendants aver that Paragraph 37 states conclusions of law as to which no responsive pleading is required.

38. Defendant denies the allegations in Paragraph 38.

39. Defendant denies the allegations in Paragraph 39.

FIRST AFFIRMATIVE DEFENSE

1. Plaintiff's claims are barred in whole or in part due to Plaintiff's assumption of the risk.

SECOND AFFIRMATIVE DEFENSE

2. Plaintiff's claims are barred in whole or in part because Defendants complied with all contractual conditions.

THIRD AFFIRMATIVE DEFENSE

3. Plaintiff's claims are barred in whole or in part due to Plaintiff's assumption of the risk.

WHEREFORE, Defendants demand judgment against Plaintiff:

- (i) dismissing the Complaint with prejudice and denying each and every request for relief set forth therein;
- (ii) awarding it the costs and disbursement of this action.

Dated: Brooklyn, NY
April 10, 2008

Respectfully Submitted,

By: _____/s/
Nnenna Onua Esq.
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Denise Perry and William Perry
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